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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/663,045
Filing Date: September 13, 2003
Appellant(s): LAVERICK ET AL.

Samuel M. Korte
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12-12-2008 appealing from the Office action mailed 7-31-2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

U.S. Patent Application entitled "NAVIGATIONAL DEVICE FOR INSTALLATION IN A VEHICLE AND A METHOD OF DOING SAME", Serial No. 11/051,879, filed February 5, 2005, is related to the instant application and was the subject of a July 25, 2008, BPAI decision (Appeal No. 2008-1526).

A copy of the BPAI decision in Appeal No. 2008-1526 is included in part X of the appellant's Appeal Brief filed 12-12-2008.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6370037	SCHOENFISH	4-2002
2003/0184111	STURT	10-2003
6102284	MEYERS	8-2000

Meade Instruments Corporation - Meade? Optional Accessories for Meade? Courtesy of Wayback Machine, updated November 9, 2000.
http://web.archive.org/web/20001109112200/www.meade.com/catalog/meade_etx/accessories_etx.htm Downloaded: 1/18/2008 7:35:16 AM

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfish (USP No. 6370037) in view of Sturt (USP No. 2003/0184111) and Meyers (USP No. 6102284). Schoenfish discloses a navigation assembly for use in a vehicle not originally equipped with navigational capabilities, the navigation assembly comprising:

- a portable navigational device; [Fig. 1, #12] and
- a mounting assembly [Fig. 1, #10] for mounting on a vehicle [Fig. 1, #68] and sized and configured to removably receive [Figs. 2-3] the navigational device

[#12], wherein the navigation device remains visible when received within the mounting assembly [Fig. 3] and is functional as a navigation device both when received within the mounting assembly [Fig. 3] and when being used independently of the mounting assembly [Fig. 5].

but fails to disclose mounting the mounting assembly to a support pillar on a vehicle, or the mounting assembly with a retractable faceplate as claimed. Sturt teaches a method of securing a navigation device 18 [¶ 0022] to the roof of a vehicle including retainer #26, which reads on applicant's support pillar. Therefore, it would have been obvious to one skilled in the art (e.g. a mechanical or ergonomic engineer) at the time the invention was made, to combine the detachable electronic mounting apparatus of Schoenfish with the overhead console of Sturt by mounting the apparatus #10 of Schoenfish to the retainer #26 of Sturt as suggested in Col. 4, lines 37-38, for the advantage of using the electronic devices enumerated in [0023] of Sturt or [Col 1, lines 18-23] of Schoenfish inside or outside of the vehicle of Sturt as suggested by Schoenfish [Col. 1, lines 24-45]. The combination of Schoenfish and Sturt still fails to teach the mounting assembly with the retractable faceplate as claimed. Meyers teaches a docking cradle for a wireless device [Figs. 2 and 3] including:

- the mounting assembly [10] including-
 - a trim piece [retainers 20 and 22],
 - a base [32] secured to the trim [retainers 20 and 22],
 - a docking station [cavity 36 or 24] mounted within the base [32] for removably docking with the navigation device [12], and

- a retractable face plate [leveling tray 34] mounted within the docking station [cavity 36 or 24] and operable to retract when the navigation device is received within the docking station and extend when the navigation device is removed from the docking station, thereby covering the void left in the docking station [Col. 9, lines 17-28]

Therefore, it would have been obvious to one skilled in the art (e.g. a mechanical or ergonomic engineer) at the time the invention was made, to use the idea of a removable GPS navigator with a coupling mechanism in a car that didn't come installed with a navigator, and install it in the top column of a vehicle as taught by Sturt, using the cradle mechanism of Meyers for the advantage of being able to easily remove the navigator with one hand (as taught by Meyers Col. 1, lines 15-16).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfish in view of Sturt and Meyers as applied to claim 1 above. Schoenfish in view of Sturt and Meyers discloses the invention with all the limitations of claim 1, but fails to disclose explicitly that the electronic devices 12 described in column 3, lines 9-20 are made to fit the 14, 16 and 70 which are installed in the vehicle, or if 14, 16 and 70 are configured to fit electronic device 12. Schoenfish does teach various possibilities of electronic device, and refers to the apparatus 10, as 14 and 16, implying that 14 and 16 are designed after the electronic device housing. [Col. 3, lines 8-19]. Therefore, it would have been obvious to one skilled in the art (e.g. a mechanical engineer) at the time the invention was made, to have a navigational device "that is designed to be used independently of

the vehicle rather than being particularly sized and configured to fit an existing space within the vehicle", for the advantage of increasing consumer choice (any electronic device) and reducing consumer cost (modification costs less than a new electronic device with a custom housing).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfish in view of Sturt and Meyers as applied to claim 1 above, and further in view of Meade's catalogue (NPL). Schoenfish in view of Sturt and Meyers discloses the invention with all the limitations of claim 1, but fails to disclose explicitly that the electronic devices 12 described in column 3, lines 9-20 are made to fit the 14, 16 and 70 which are installed in the vehicle, or if 14, 16 and 70 are configured to fit electronic device 12. Meade teaches a two phase coupler that attaches a camera to a telescope. "the T-Adapter threads to the rear cell of the telescope, followed by a T-mount appropriate to the user's brand of 35mm camera. In this way the camera body is rigidly coupled to the telescope's optical system, which in effect becomes the camera's lens." [Page 2]. Therefore, it would have been obvious to one skilled in the art (e.g. a mechanical engineer) at the time the invention was made, to have a navigational device "that is designed to be used independently of the vehicle rather than being particularly sized and configured to fit an existing space within the vehicle", for the advantage of increasing consumer choice (any electronic device) and reducing consumer cost (modification costs less than a new electronic device with a custom housing).

Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfish in view of Sturt and Meyers and Meade as applied to claim 2 above. Schoenfish and Sturt (and possibly Meade) disclose the invention with all the limitations of claim 2.

- Regarding claim 3, Sturt discloses an overhead console system 10 [0022], and a infotainment system 18 [0023] with its screen facing left. That implies that eyes are facing right, which implies that the windshield is on the right, which means that , it would have been obvious to one skilled in the art (e.g. a mechanical engineer) at the time the invention was made, to place the retainer 26 directly above the windshield, as suggested by Sturt.
- Regarding claim 5, Schoenfish discloses that windows 22 and 60 are for electrical connections. [Col. 4, lines 43-45]
- Regarding claim 6, Sturt discloses that 18 may be an audiovisual infotainment system [0005] and navigation systems [0033], therefore it would have been obvious to one skilled in the art (e.g. an ergonomic engineer) at the time the invention was made, to use an audible navigation device (which would be included by the docking station) for providing audible navigation instructions, for the advantage of preserving the driver's visual attention on the road.
- Regarding claim 7, the limitations thereof are inherent to all GPS devices.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfish (USP No. 6370037) in view of Sturt (USP No. 2003/0184111) and Meyers (USP No.

6102284). Schoenfish discloses a navigation assembly for use in a vehicle not originally equipped with navigational capabilities, the navigation assembly comprising:

- a stand-alone hand-held portable navigational device; [Fig. 1, #12] and
- a mounting assembly [Fig. 1, #10] for mounting within the vehicle and operable to removably receive the navigational device [#12], such that the navigation device remains visible and fully functional when received within the mounting assembly [Fig. 3]

but fails to disclose mounting the mounting assembly to a support pillar on a vehicle or the mounting assembly with a retractable faceplate as claimed. Sturt teaches a method of securing a navigation device 18 [¶ 0022] to the roof of a vehicle including retainer #26, which reads on applicant's support pillar. Therefore, it would have been obvious to one skilled in the art (e.g. a mechanical or ergonomic engineer) at the time the invention was made, to combine the detachable electronic mounting apparatus of Schoenfish with the overhead console of Sturt by mounting the apparatus #10 of Schoenfish to the retainer #26 of Sturt as suggested in Col. 4, lines 37-38, for the advantage of using the electronic devices enumerated in [0023] of Sturt or [Col 1, lines 18-23] of Schoenfish inside or outside of the vehicle of Sturt as suggested by Schoenfish [Col. 1, lines 24-45]. The combination of Schoenfish and Sturt still fails to teach the mounting assembly with the retractable faceplate as claimed. Meyers teaches a docking cradle for a wireless device [Figs. 2 and 3] including:

- the mounting assembly [10] including-

- a docking station [cavity 36 or 24] mounted within the base [32] for removably docking with the navigation device [12], and
- a retractable face plate [leveling tray 34] mounted within the docking station [cavity 36 or 24] and operable to retract when the navigation device is received within the docking station and extend when the navigation device is removed from the docking station, thereby covering the void left in the docking station [Col. 9, lines 17-28]

Therefore, it would have been obvious to one skilled in the art (e.g. a mechanical or ergonomic engineer) at the time the invention was made, to use the idea of a removable GPS navigator with a coupling mechanism in a car that didn't come installed with a navigator, and install it in the top column of a vehicle as taught by Sturt, using the cradle mechanism of Meyers for the advantage of being able to easily remove the navigator with one hand (as taught by Meyers Col. 1, lines 15-16).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfish in view of Sturt and Meyers as applied to claim 1 above. Schoenfish in view of Sturt and Meyers discloses the invention with all the limitations of claim 24, but fails to disclose explicitly that the electronic devices 12 described in column 3, lines 9-20 are made to fit the 14, 16 and 70 which are installed in the vehicle, or if 14, 16 and 70 are configured to fit electronic device 12. Schoenfish does teach various possibilities of electronic device, and refers to the apparatus 10, as 14 and 16, implying that 14 and 16 are designed after the electronic device housing. [Col. 3, lines 8-19]. Therefore, it would have been

obvious to one skilled in the art (e.g. a mechanical engineer) at the time the invention was made, to have a navigational device "that is designed to be used independently of the vehicle rather than being particularly sized and configured to fit an existing space within the vehicle", for the advantage of increasing consumer choice (any electronic device) and reducing consumer cost (modification costs less than a new electronic device with a custom housing).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfish or Schoenfish in view of Sturt as applied to claim 1 above, and further in view of Meade's catalogue (NPL). Schoenfish in view of Sturt and Meyers discloses the invention with all the limitations of claim 24, but fails to disclose explicitly that the electronic devices 12 described in column 3, lines 9-20 are made to fit the 14, 16 and 70 which are installed in the vehicle, or if 14, 16 and 70 are configured to fit electronic device 12. Meade teaches a two phase coupler that attaches a camera to a telescope. "the T-Adapter threads to the rear cell of the telescope, followed by a T-mount appropriate to the user's brand of 35mm camera. In this way the camera body is rigidly coupled to the telescope's optical system, which in effect becomes the camera's lens." [Page 2]. Therefore, it would have been obvious to one skilled in the art (e.g. a mechanical engineer) at the time the invention was made, to have a navigational device "that is designed to be used independently of the vehicle rather than being particularly sized and configured to fit an existing space within the vehicle", for the advantage of increasing consumer choice (any

electronic device) and reducing consumer cost (modification costs less than a new electronic device with a custom housing).

Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenfish and Sturt or Schoenfish, Sturt and Meade as applied to claim 2 above.

Schoenfish and Sturt (and possibly Meade) disclose the invention with all the limitations of claim 2.

- Regarding claim 26, Sturt discloses an overhead console system 10 [0022], and a infotainment system 18 [0023] with its screen facing left. That implies that eyes are facing right, which implies that the windshiled is on the right, which means that , it would have been obvious to one skilled in the art (e.g. a mechanical engineer) at the time the invention was made, to place the retainer 26 directly above the windshield, as suggested by Sturt.
- Regarding claim 28, Sturt discloses that 18 may be an audiovisual infotainment system [0005] and navigation systems [0033], therefore it would have been obvious to one skilled in the art (e.g. an ergonomic engineer) at the time the invention was made, to use an audible navigation device (which would be included by the docking station) for providing audible navigation instructions, for the advantage of preserving the driver's visual attention on the road.
- Regarding claim 29, Schoenfish discloses that windows 22 and 60 are for electrical connections. [Col. 4, lines 43-45]
- Regarding claim 30, the limitations thereof are inherent to all GPS devices.

(10) Response to Argument

In section VII of the appeal brief filed 12-12-2008, appellant argued the following:

A. On page 9, that "No combination of the Examiner' s cited references teaches a docking station that can receive a navigation device and which includes a speaker to provide audible navigation instructions generated by the docked navigation device."

B. On page 11, that "Sturt does not mention if the infotainment system uses an integrated speaker (e.g., a speaker housed within the console) or the vehicle's standard car stereo speakers...A permanently-installed infotainment system having an integrated speaker is not the same thing, or even related to, a docking station having a speaker for generating audio from docked devices."

C. On page 11, that "Sturt, in combination with any other cited reference, does not teach an infotainment system that includes a speaker for generating audio from docked or other peripheral devices--as an integrated infotainment system does not dock with anything."

D. On page 12, that the 103 combination does not comply with MPEP 2143 (KSR guidelines), parts (a) and (c)-(f).

Argument A is unconvincing, applicant is ignoring the combination of the references as a whole. A 3-piece retractable navigation device is taught by Schoenfish, a speaker is taught in Sturt in [0033]: "In addition, electronic devices such as map lights, infotainment

systems, audio components as similarly installed in the vehicle console system."

Further, specifically suggesting navigation systems in [0023] (last sentence). Meyers teaches the docking mechanism as claimed.

Argument B is unconvincing, the fact that infotainment systems, and audio systems are specifically suggested implies that the speakers for those systems would be included in the console.

Argument C is unconvincing. Sturt teaches the infotainment system or audio system or navigation system in the console, and both Schoenfish and Meyers discuss docking mechanisms.

Argument D is unconvincing. Applicant is referring to specific examples of rationales that were suggested in the KSR v. Teleflex case. However in MPEP section 2143, on page 2100-128 (of Rev. 6, Sept. 2007) "The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." Continuing on 2100-129: "Note that the list of rationales provided is not intended to be an all-inclusive list. Other rationales to support a conclusion of obviousness may be relied upon by Office personnel." Quoting from the Final Rejection, item 3:

Therefore, it would have been obvious to one skilled in the art (e.g. a mechanical or ergonomic engineer) at the time the invention was made, to combine the detachable electronic mounting apparatus of Schoenfish with the overhead console of Sturt by mounting the apparatus #10 of Schoenfish to the retainer #26 of Sturt as suggested in Col. 4, lines 37-38, for the advantage of using the electronic devices enumerated in [0023] of Sturt or [Col 1, lines 18-23] of Schoenfish inside or outside of the vehicle of Sturt as suggested by Schoenfish [Col. 1, lines 24-45]...

Therefore, it would have been obvious to one skilled in the art (e.g. a mechanical or ergonomic engineer) at the time the invention was made, to use the idea of a removable GPS navigator with a coupling mechanism in a car that didn't come installed with a navigator, and install it in the top

column of a vehicle as taught by Sturt, using the cradle mechanism of Meyers for the advantage of being able to easily remove the navigator with one hand (as taught by Meyers Col. 1, lines 15-16).

Examiner feels that the above quotations amount to a "clear articulation of the reason(s) why the claimed invention would have been obvious."

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ari M. Diacou/

Examiner, Art Unit 3663

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663

Conferees:

/Thomas G. Black/

/J. W. K./

Supervisory Patent Examiner, Art Unit 3663